

## **MINUTES**

### **BOARD OF COMMUNICATIONS DISORDERS AND SCIENCES**

Date: February 22, 2005

Time: 10:20 a.m. CDT

Location: Cumberland Room, Ground Floor  
Cordell Hull Building  
425 Fifth Avenue North  
Nashville, TN 37247-1010

Members Present: Dr. Melinda Richards, Chair  
Ms. Donna Schwaber, Secretary  
Dr. Brian Burkey, Physician  
Dr. Sandra Newson, Speech Pathologist  
Ms. Nakeda Rochelle Kirby, Consumer

Members Absent: Mr. Dan Orchik, PHD  
Dr. William W. Dickinson

Staff Present: Ms. Bonnie Ferrell, Board Administrator  
Ms. Nicole Armstrong, Advisory Attorney  
Ms. Marva Swann, Unit Director  
Mr. Jerry Kosten, Rules Coordinator  
Ms. Brandi Bozarth, Litigating Attorney

Visitors: Ms. Lynne Harmon, Speech Pathologist  
Ms. Mary Sue Filo-Szumaski, Audiologist, ASHA Representative  
Mr. John Williams, TAASLP  
Ms. Catherine Elliot Nelson, Speech Pathologist, ASHA Representative  
Mr. John Hicks, Judge

A quorum being present, the Board meeting was called to order by Dr. Melinda Richards 10:20 a.m.

## **Office of General Counsel**

Ms. Nicole Armstrong reminded the Board members of their responsibilities under the conflict of interest policy and requested that any member who had not already done so, sign the conflict of interest policy.

Ms. Armstrong presented the Office of General Counsel Report and the status of the following rule changes:

### **Rules:**

Effective December 8, 2004:

- Tenn. Comp. R. & Regs. 1370-1-.15—regarding Orders of Modification and Compliance, personal appearances by disciplined licensees and the assessment of costs

Under review by the Attorney General:

- Tenn. Comp. R. & Regs. 1370-1-.01, .05, .07, .10, .14—regarding letters of notification for incomplete applications, supervision standards for Clinical Fellows and Speech Language Pathology Assistants, and deletion of the signature requirement for application photos

Roll call vote scheduled:

- Tenn. Comp. R. & Regs. 1370-2-.04, .05, .08—regarding alternatives to the HIS exam and deleting the signature requirement for application photos

### **Litigation:**

The Office of General Counsel, Tennessee Department of Health, currently has five (5) open cases pertaining to the Tennessee Board of Communication Disorders and Sciences. Four (4) of the cases pertain to Speech Language Pathologists and one (1) case pertains to an Audiologist.

There is one (1) contested case scheduled for presentation at this meeting.

Mrs. Brandi Borzath informed the Board on the following contested case:

Ms. Catherine Elliott Nelson, failure to obtain and/or submit proof documenting completion of the mandatory ten (10) hours continuing education for calendar year 2002.

Ms. Borzath called Ms. Bonnie Ferrell, Board Administrator as a witness.

**Ms. Ferrell:** I did not receive any response to the two (2) certified letters I sent to Ms. Catherine Elliott Nelson regarding the 2002 audit.

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**Ms. Nelson:** I did not complete any of the required ten (10) hours of continuing education in the year 2002. I had two (2) deaths in the year 2003. I didn't understand that I needed to do ten (10) hours in the year 2002. I have no excuse.

After reviewing the Allegations of Facts and hearing the testimony from Ms. Ferrell and Ms. Nelson, Dr. Brian Burkey made a motion to accept the proposed civil penalties of one-hundred dollars (\$100) for each of the ten (10) hours Ms. Nelson failed to obtain in the year 2002, for a total of one-thousand dollars (\$1,000.00). Ms. Nelson must submit ten (10) hours of continuing education representing the amount of hours that were required in 2002, and submit an additional ten (10) hours of continuing education, for a total of twenty (20) hours. Ms. Nelson is also required to pay the costs of this hearing. The civil penalties, cost of this hearing and the continuing education hours are to be submitted within six (6) months of this date.

Ms. Donna Schwaber seconded the motion and the motion carried.

### **C.D.S Rules**

Mr. Jerry Kosten explained the amendments to Rule 1370-1-.05, Licensure Process. All new applicants must cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

Dr. Burkey made the motion to authorize a rulemaking hearing regarding mandatory Criminal background checks. The motion was seconded by Ms. Schwaber and carried.

### **H.I.S. Rules**

Mr. Kosten presented rule amendments regarding the Council using exams other the I.L.E. exam that we contract from the International Hearing Society. This would give the Council a choice of which exam to use.

Ms. Ferrell presented the Board with information from her research regarding the I.L.E. exam. The I.L.E. exam is used by thirty seven (37) states and three (3) Canadian provinces.

The Board does not see any reason to change exams. The Board tabled any decision and sent the rule amendments back to the Council for changes.

### **Visitor**

Mr. John Williams of the State Association presented the Board with the House Bill 896/ Senate Bill 83, regarding Speech aides.

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1. Change the name from "aide" to "assistant".
2. Add language to make it clear that the Board has the authority to regulate and discipline these assistants.
3. Add a section to the professional practice act which makes it clear that Speech Language Assistants must register with the Board, must renew their registration biennially, and must obtain continuing education.

### **Disciplinary**

Ms. Lea Phelps reviewed the disciplinary report with the Board stating that there were no disciplinary actions at this time.

### **Investigative Report**

Ms. Phelps informed the Board that there were two (2) open complaints at this time.

### **Minutes**

After reviewing the minutes of the November 30, 2004, Dr. Richards requested that Ms. Lynn Harman and Ms. Mary Sue Filo-Szumaski names be added to the minutes as visitors. Dr. Burkey made a motion to accept the minutes with this correction. Ms. Schwaber seconded the motion and the motion carried. .

### **Administrators/Directors Report**

Ms. Ferrell presented the administrative report, regarding the following:

- A. Number of Active licensees, Retired Licensees and those in Failed to Renew.
- B. That we are well within our goal for performance measures.
- C. Only Twelve (12) Speech Pathologist and one (1) Audiologist renewed on line in the month of January, 2005.

Ms. Ferrell informed the Board that as of January 1, 2005 the reimbursement rate for mileage was increased to \$.38 per mile. She also stated that out of state travel always needs prior approval from the Administrative staff. Once approved, the Administrative staff would inform them of the procedures they are to follow.

Ms. Ferrell informed the Board that Dr. William W. Dickinson had been appointed to the Board to replace Ms. Lisa Davidson. Dr. Dickinson would probably attend the May 24, 2005 Board meeting.

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## **File Ratification**

Dr. Burkey made a motion to ratify all the following licensees that Ms. Ferrell had initially approved:

### **Ratification List For February 22, 2005 Cutoff date 2/10/05**

#### **SPEECH**

1. Barnes, Leigh Chesney
2. Brown, Julie C.
3. Eggleston, Lana F.
4. Glover, Elizabeth A.
5. Hartfield, Kia N.
6. Jones, Kristen R.
7. McCall, Stephanie Dawn
8. McFarland, LaChandra Tomica
9. Piazza, Amy Louise
10. Ryherd-Niemeyer, Sandra K.
11. Tarver, Anna J.
12. Taylor, Beverly R.
13. VanHouten, Jamie J.
14. Wood, Holly Marie
15. York, Jamie Michelle

#### **AUDIO**

1. Gresham, Jill Cole
2. Johnson, Earl E.

#### **RECIPROCITY**

#### **SPEECH**

1. Babb, Susannah B. - MS - OH
2. Delain, Amy Laurell - WI -TX - IL
3. Doyle, Alexandra Ware - KY
4. Hancock, Vicki - TN - GA - TX - WA - SC
5. Kimberly, Heather Philip - GA
6. Roth, Cynthia Nicole - TX - KY
7. Rousseau, Alicia Cobb - FL
8. Schnurbusch, Kristina Kaye - MO - AR
9. Wheeler, Denise Abodie - MS-LA-TN

#### **AUDIO**

## **REINSTATEMENTS**

### **SPEECH**

1. Cobb, Julie Rutherford
2. Maxcy, Karl Ann
3. Myers, Jane Ann
4. Overmyer, Claire Lee
5. Walker, Jennifer

### **AUDIO**

1. Haynes, Carrie Lynn

Dr. Newsom seconded the motion and the motion carried.

### **Adjournment:**

Being no further business, Ms. Schwaber made the motion to adjourn. Dr. Burkey seconded the motion. The motion carried and the meeting was adjourned at 12:30 pm.

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Dr. Melinda Richards, Board Chair

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Date